

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

ROGER HOWARD KING, JR.,

Petitioner,

v.

**Civil Action No. 5:24-CV-6
Judge Bailey**

**OFFICE OF THE COMMISSIONER FOR
MARION COUNTY, WEST VIRGINIA,
MARION COUNTY PROBATION OFFICE,
DAY REPORT, DANIELLE CRESS, Probation
Officer, MELISSA K., Case Manager, and
BRANDI CORLEY, Director of Day Report Center,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that the plaintiff's State Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [Doc. 1] be dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United*

States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). The report and recommendation was filed on February 29, 2024. See [Doc. 13]. The plaintiff accepted service of the report and recommendation on March 4, 2024. See [Doc. 14]. Accordingly, objections were due on or before March 21, 2024. No objections have been filed nor has the plaintiff asked for an extension to file objections to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 13] is **ADOPTED**. Moreover, plaintiff's State Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [Doc. 1] is **DENIED AND DISMISSED WITH PREJUDICE**. The Clerk is **DIRECTED TO STRIKE** the above-styled matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to send a copy to plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: April 4, 2024.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE